

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Case No. 5:22:CV-0068-BO**

YOLANDA IRVING, individually and as  
the natural parent and guardian of J.I., et al.,

*Plaintiffs,*

v.

THE CITY OF RALEIGH, et al.,

*Defendants.*

**ORDER OF APPROVAL OF MINOR SETTLEMENT**

Plaintiff, Yolanda Irving as the natural parent and guardian of J.I., through undersigned counsel, hereby moves the Court for approval of this minor settlement with the consent of Defendants. In support of this order, Plaintiff, Defendants and the Court show the following:

1. Counsel for all parties consent to this order and approve this minor settlement. Plaintiff, Yolanda Irving, in her capacity as natural parent and guardian of her minor son, (hereafter "Guardian on Behalf of the Minor") J.I., (hereafter "Minor") also approves this minor settlement. Written consent of counsel and Yolanda Irving is provided below.

2. All parties are properly represented and are properly before the Court; no questions exist as to misjoinder or nonjoinder of parties; and this Court has jurisdiction over the subject matter and the parties.

3. Guardian on behalf of Minor alleges that on or about May 21, 2020, Minor's civil and common law rights under federal and North Carolina law were violated in connection with a search warrant obtained by former Raleigh Police Department ("RPD") Detective Omar Abdullah and served by other officers in the RPD (collectively referred to as "the Warrant"). Defendants deny this allegation.

4. Guardian on Behalf of the Minor filed this civil action in the U.S. District Court for the Eastern District of North Carolina against the City of Raleigh and others concerning the Warrant. Thereafter the parties participated in a Court-hosted settlement conference on August 15, 2022, and a mediation on February 6, 2023, which resumed on May 24, 2023.

5. The parties now agree to a settlement of all claims relating to the Warrant and all claims that are or could be raised in this action. The parties acknowledge that they wish to fully and finally resolve all disputes between them, and they, their attorneys and the Court agree that the resolution of this matter as described herein is fair, just, reasonable, and in the parties' best interests. This settlement agreement aids the parties in bringing much needed certainty and finality to a matter that has been outstanding for a significant period of time and that has caused significant hardship.

6. Abraham Rubert-Schewel, Emily Gladden and the law firm of Tin Fulton Walker & Owen, PLLC, and Elizabeth Simpson and Ian Mance of Emancipate, NC, have

provided good and valuable service to Minor in pursuing his claims (hereafter “Minor’s counsel”).

7. As part of this action, Minor’s counsel has briefed and argued a motion to dismiss, motions to compel and briefed responses to motions for summary judgment. Minor’s counsel also conducted numerous depositions and retained liability and damages experts on behalf of Minor.

8. Minor’s counsel have advanced costs and expenses totaling \$3,788.88 to pursue Minor’s claims. Minor’s expenses include payment for a damages expert and Minor’s portion of payment for a liability expert.

9. The City of Raleigh has agreed to pay, for the benefit of the Minor, the total amount of \$45,652.17, to be distributed as follows:

- a. \$3,788.88 to reimburse Minor’s counsel for Minor’s costs and expenses;
- b. \$15,215.86 to Minor’s counsel for attorney’s fees associated with Minor’s claims;
- c. \$26,647.43 to be paid in trust to Minor’s counsel and then deposited into The J.I. Settlement Preservation Trust.
- d. Minor’s counsel affirms that Minor has no other outstanding medical liens, expenses or fees related to this action.

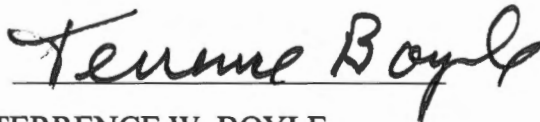
10. The City of Raleigh shall initiate a payment of \$45,652.17 to Tin, Fulton, Walker & Owen, PLLC, in trust, as counsel for the Guardian on Behalf of the Minor, within 10 days of entry of this order.

11. Tin, Fulton, Walker and Owen, PLLC is directed and required to fund The J.I. Settlement Preservation Trust in the amount of \$26,647.43 upon receipt of payment of the settlement funds.

12. Pursuant to Local Rule 17.1(b)(4), the Minor is not claiming "actual and foreseeable medical, hospital, and related expenses."

13. This minor settlement is hereby approved and the Minor's claims in this action are hereby DISMISSED WITH PREJUDICE.

Ordered this 26<sup>th</sup> day of August



TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE

**CONSENTED TO BY:**

*Guardian on Behalf of Minor*



Yolanda Irving

*Counsel for Plaintiffs*

/s/ Abraham Rubert-Schewel

Abraham Rubert-Schewel  
N.C. Bar No. 56863  
TIN FULTON WALKER & OWEN,  
PLLC  
119 E. Main St.  
Durham, North Carolina 27701  
Tel: (919) 451-9216

/s/ Emily Gladden

Emily D. Gladden  
N.C. Bar No. 49224  
TIN FULTON WALKER & OWEN,  
PLLC  
204 N. Person Street  
Raleigh, NC 27601  
Tel: (919) 720-4201

Email: [schewel@tinfulton.com](mailto:schewel@tinfulton.com)  
*Counsel for Plaintiffs*

/s/ Ian Mance

Ian A. Mance  
N.C. Bar No. 46589  
EMANCIPATE NC  
Post Office Box 309  
Durham, NC 27702  
Tel: (828) 719-5755  
Email: [ian@emancipatenc.org](mailto:ian@emancipatenc.org)  
*Counsel for Plaintiffs*

Fax: (919) 400-4516  
Email: [Egladden@tinfulton.com](mailto:Egladden@tinfulton.com)  
*Counsel for Plaintiffs*

/s/ Elizabeth Simpson

Elizabeth G. Simpson  
N.C. Bar No. 41596  
EMANCIPATE NC  
Post Office Box 309  
Durham, NC 27702  
Tel: (919) 682-1149  
Email: [elizabeth@emancipatenc.org](mailto:elizabeth@emancipatenc.org)  
*Counsel for Plaintiffs*

*Counsel for Defendants*

/s/ Amy C. Petty

**Amy C. Petty**  
N.C. Bar No. 20894  
Senior Associate City Attorney  
CITY OF RALEIGH ATTORNEY'S  
OFFICE P.O. Box 590  
Raleigh, NC 27602  
Tel: (919) 996-6560  
Fax: (919) 996-7021  
Email: [Amy.Petty@raleighnc.gov](mailto:Amy.Petty@raleighnc.gov)

/s/ Leslie C. Packer

Leslie C. Packer  
N.C. Bar No. 13640  
Michelle A. Liguori  
N.C. Bar No. 52505  
Ellis & Winters LLP  
P.O. Box 33550  
Raleigh, NC 27636  
Telephone: (919) 865-7000  
Facsimile: (919) 865-7010  
[leslie.packer@elliswinters.com](mailto:leslie.packer@elliswinters.com)  
[michelle.liguori@elliswinters.com](mailto:michelle.liguori@elliswinters.com)

/s/ Jason R. Benton

**Jason R. Benton**  
N.C. Bar No. 27710  
**Jessica C. Dixon**  
N.C. Bar No. 36719  
**Daniel E. Peterson**  
N.C. Bar No. 41251  
PARKER POE ADAMS & BERNSTEIN,  
LLP  
Bank of America Tower  
620 S. Tryon St., Suite 800  
Charlotte, NC 28202  
Tel: (704) 372-9000  
Fax: (704) 334-4706  
Email: [jasonbenton@parkerpoe.com](mailto:jasonbenton@parkerpoe.com)  
[jessicadixon@parkerpoe.com](mailto:jessicadixon@parkerpoe.com)  
[danielpeterson@parkerpoe.com](mailto:danielpeterson@parkerpoe.com)  
*Counsel for Omar Abdullah in his individual  
capacity*



*Counsel for City of Raleigh, Police Chief  
Patterson in her official capacity, and City  
Manager Adams-David in her official  
capacity*

**/s/ Rodney E. Pettey**

**Rodney E. Pettey**

N.C. Bar No. 17715

Alayna M. Poole

N.C. Bar. No. 57880

Pettey & Partrick, L.L.P.

4800 Falls of Neuse Road

Suite 160

Raleigh, NC 27609

Email: [rpettey@rpsplaw.com](mailto:rpettey@rpsplaw.com)

[apoole@rpsplaw.com](mailto:apoole@rpsplaw.com)

*Counsel for Rishar Monroe,  
Julien Rattelade, and Meghan Gay in their  
individual capacities*

**/s/ Norwood P. Blanchard, III**

**Norwood P. Blanchard, III**

N.C. Bar No. 26470

CROSSLEY MCINTOSH COLLIER

HANLEY & EDES, PLLC

5002 Randall Parkway

Wilmington, NC 28403

Tel: (910) 762-9711

Fax: (910) 256-0310

Email: [Norwood@cmclawfirm.com](mailto:Norwood@cmclawfirm.com)

*Counsel for William Rolfe in his individual  
capacity*